

REMARKS

The applicant's remarks, below, are preceded by quotations of related comments of the examiner in small, boldfaced type.

Claims 16-49 are rejected under 35 U.S.C 102(e) as being anticipated by Fortenberry et al. (U.S. 6,101,485).

Fortenberry et al disclose a machine based method comprising sending outbound messages associated with commercial transactions; storing information related to each of the outbound messages in a database, the information being useful for completing the commercial transactions, the information not being contained in the outbound messages, analyzing inbound messages that result from the outbound messages and that contain response information useful in completing the commercial transactions; identifying inbound messages that cannot be processed automatically to generated [sic] the commercial transactions. [sic] and using the database information to assist in exception handling of the identified inbound messages, the inbound and outbound messages being entirely email based (see abstract).

The applicant respectfully disagrees. Claim 16 recites "identifying inbound messages that cannot be processed automatically to generate the commercial transactions, and using the database information to assist in the exception handling of the identified inbound messages." Fortenberry neither discloses nor suggests this feature. Claim 16 and its dependent claims 17-36 are patentable for at least this reason. Because claims 37, 44 and 45 have been amended to include the feature, claims 37 through 49 are also patentable for at least the same reason.

Claims 1-, 4-15 are allowed for the reasons set forth in the prior office action.

The applicant acknowledges that these claims have been allowed and assumes that the examiner intended to include claim 2.

The applicant notes for the record that the column and line number references to the Gifford reference cited in the response dated July 16, 2001, were slightly off because they referred to the columns and lines of Gifford's US patent 6,049,785, rather than to US patent 5,724,424, of which the '785 patent was a continuation. The typesetting of the columns and lines of the two patents were slightly different.

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The fact that the applicant has amended certain claims does not mean that the applicant concedes the position of the examiner with respect to those claims, and the applicant reserves the right to pursue those claims in a continuation patent application. The fact that the applicant or the examiner has stated a reason for patentability of a claim does not mean that there are not other good reasons for patentability of that claim or other claims. The fact that the applicant has responded to a position of the examiner does not mean that the applicant concedes any other position of the examiner.

Applicant requests correction of the attorney docket number referenced in this application. The correct number is 10246-007001 and should be used on all future correspondence.

Please apply any other charges or credits to deposit account 06-1050, reference 10246-007001.

Respectfully submitted,

Date: 2/20/4



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